

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**A CERTIFIED TRUE COPY****FILED****JUN 14 2007**JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**LORETTA G. WHYTE****CLERK****JUN 14 2007**W
**FILED
CLERK'S OFFICE**ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**DOCKET NO. 1657****BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE VIOXX MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, D. LOWELL JENSEN, J.
FREDERICK MOTZ,* ROBERT L. MILLER, JR., * KATHRYN H. VRATIL,
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL****TRANSFER ORDER**

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in 38 actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Eastern District of Louisiana for inclusion in the Section 1407 proceedings occurring there in this docket. Merck & Co., Inc., favors inclusion of all actions in MDL-1657 proceedings. The treating physician and dispensing pharmacy defendants in the four West Virginia actions also favor inclusion of their actions in MDL-1657 proceedings.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Eastern District of Louisiana. Transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending or anticipated motions to remand to state court or relating to the status of the action pending in the Central District of California can be presented to and decided by the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed by the Panel in the original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Louisiana was a proper Section 1407 forum for actions involving claims relating to Vioxx. See *In re Vioxx Products Liability Litigation*, 360 F.Supp.2d 1352 (J.P.M.L. 2005).

* Judges Motz and Miller took no part in the decision of this matter.

<input type="checkbox"/>	Fee _____
<input type="checkbox"/>	Process _____
<input checked="" type="checkbox"/>	Dktd <u>Done</u>
<input type="checkbox"/>	CtRmDep <u>11369</u>
<input type="checkbox"/>	Doc. No. <u>11369</u>

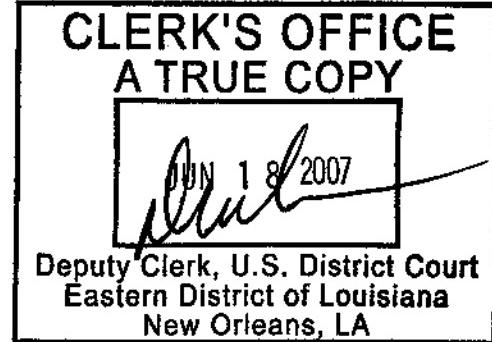
- 2 -

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Eldon E. Fallon for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

Wm. Terrell Hodges

Wm. Terrell Hodges
Chairman



SCHEDULE A**MDL-1657 -- In re Vioxx Marketing, Sales Practices and Products Liability Litigation****EDLA
SEC.L/3****Central District of California***Ruby Lois Moore Estate, etc. v. Merck & Co., Inc.*, C.A. No. 2:06-7548**07-0668****Eastern District of California**

<i>Mosetta Bernstein v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-34	07-3277
<i>Katherine Harrison v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-42	07-3278
<i>James Daniels, Jr. v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-48	07-3279
<i>Barbara Ford-Daniels v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-51	07-3280
<i>Lynn Franklin v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-57	07-3281
<i>Irma Franklin v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-58	07-3282
<i>Carolyn Lee Wilson v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-61	07-3283
<i>Mary Ann Harris v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-67	07-3284
<i>John Wilson v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-68	07-3285
<i>Ishmael Haqq v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-73	07-3286
<i>David Tenn, etc. v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-75	07-3287
<i>Estate of Juanita Battle v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-77	07-3288
<i>Denise Denison v. Merck & Co., Inc., et al.</i> , C.A. No. 2:07-79	07-3289

Northern District of California

<i>Dorothy Shanks v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-65	07-3290
<i>Stanford Johnson v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-67	07-3291
<i>Estate of Robert Badke, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-69	07-3292
<i>Fred Hardin v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-75	07-3293
<i>Jeffrey Nielsen v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-76	07-3294
<i>Juliana Nielsen v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-77	07-3295
<i>Jacquelyn Johnson v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-78	07-3296
<i>Arthur Shanks v. Merck & Co., Inc., et al.</i> , C.A. No. 4:07-68	07-3297
<i>Earnestine Hardin v. Merck & Co., Inc., et al.</i> , C.A. No. 4:07-70	07-3298
<i>Shahla Jaferian v. Merck & Co., Inc., et al.</i> , C.A. No. 5:07-66	07-3299
<i>Estate of Sandra Ellis v. Merck & Co., Inc.</i> , C.A. No. 5:07-74	07-3300
<i>Nader Jaferian v. Merck & Co., Inc., et al.</i> , C.A. No. 5:07-79	07-3301
<i>Randolph Dossett v. Merck & Co., Inc., et al.</i> , C.A. No. 5:07-80	07-3302
<i>Suzanne Dante v. Merck & Co., Inc., et al.</i> , C.A. No. 5:07-81	07-3303

- A2 -

**EDLA
SEC.L/3**

Southern District of California

<i>Genevieve Tadman v. Merck & Co., Inc., et al.</i> , C.A. No. 3:06-2151	07-3304
<i>Del Rorer v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-10	07-3305
<i>Carol Krepp v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-11	07-3306
<i>Charles Krepp v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-12	07-3307
<i>Teresa Rorer v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-14	07-3308
<i>Arlene Purvis v. Merck & Co., Inc., et al.</i> , C.A. No. 3:07-15	07-3309

Northern District of West Virginia

<i>Helen Jean Anderson, etc. v. Merck & Co., Inc., et al.</i> , C.A. No. 5:06-151	07-3310
---	----------------

Southern District of West Virginia

<i>Paul Noe, et al. v. Merck & Co., Inc., et al.</i> , C.A. No. 2:06-1004	07-3311
<i>Leota Faye Dickens v. Merck & Co., Inc., et al.</i> , C.A. No. 2:06-1005	07-3312
<i>Madonna Armentrout, etc. v. Rite Aid of West Virginia, Inc.</i> , C.A. No. 3:06-1058	07-3313